



The effect of criminalization on overdose, health, and other drug use-related outcomes.

What does the research say?

Police activity and drugs seizures may increase overdose risk

“ Our population-based study provides evidence that police seizures of substances identified as opioids or stimulants are significantly associated with increased spatiotemporal clustering of overdose events in the immediate surrounding geographic area (radii of 100 m, 250 m, and 500 m) over 1-, 2-, and 3-week periods... persons with opioid use disorder who lose their supply will experience both diminishing tolerance and withdrawal, whereby even the anticipation of painful symptoms may lead them to seek a new supply while discounting risks that stem from the differences in potency inherent in an illicit opioid market; this results in unknown tolerance, uncertainty about a safe dose, and increased overdose risk.”

Spatiotemporal analysis exploring the effect of law enforcement drug market disruptions on overdose, Indianapolis, Indiana, 2020–2021. Bradley Ray, PhD, et al., *American Journal of Public Health*

“ We found that accidental drug overdose mortality for all drugs, cocaine, and opiates was significantly higher in police precincts with greater levels of police activity. The present findings suggest that greater drug overdose mortality may be a negative consequence of greater levels of police activity that may somewhat offset the benefits associated with aggressive enforcement of misdemeanor violations... if police activity is indeed a contributor to higher overdose mortality rates, this consequence of greater policing is not trivial, but rather one that may have substantial implications for population health.”

Policing and risk of overdose mortality in urban neighborhoods. Amy Bohnert, et al., *Drug and Alcohol Dependence*

Police presence increases injection risk and unsafe syringe disposal; disperses drug markets to new locations

“ With regard to drug use patterns, intensified police presence prompted ‘rushed’ injections, injecting in riskier environments, discouraged safer injection practices, and increased unsafe disposal of syringes. Service providers indicated that the CET [Citywide Enforcement Team] negatively impacted contact between health services and IDUs [injection drug users], as outreach was compromised due to the displacement of IDUs. Police activities also negatively influenced IDUs’ access to syringes and their willingness to carry syringes, and syringe confiscation was reported. The intensification of police activities led to less drug related activity in the area where the drug market was traditionally concentrated, but widespread displacement of drug use activities to other locations also occurred. The adverse impact of concentrated police activities upon urban drug problems and the implications for both public order and public health should be recognized.”

Impacts of intensified police activity on injection drug users: Evidence from an ethnographic investigation. Will Small, et al., *International Journal of Drug Policy*

Incarceration significantly increases overdose risk

“ To the extent that recently released individuals face a substantially higher likelihood of dying from overdose in the two-to-four weeks after exiting prison or jail, that heightened risk is substantially attributable to the actions—or the lack thereof—of the criminal justice system. This system almost uniformly shirks from its moral obligation to protect the lives and well-being of those under its care. Rehabilitation is the theoretical cornerstone of correctional practice. Experts have noted, however, that there is little reason to believe that incarceration leads to rehabilitation.”

Fatal re-entry: Legal and programmatic opportunities to curb opioid overdose among individuals newly released from incarceration. Leo Beletsky et al., *Northeastern University Law Journal*

“ Following release from incarceration, people experience greatly elevated risk of fatal opioid overdose as compared to the general population and to other times when they are using. A study in Washington State found that overdose was the leading cause of death among those who were previously incarcerated (Binswanger et al., 2013).”

Criminal justice continuum for opioid users at risk of overdose. Lauren Brinkley-Rubinstein, et al., *Addictive Behaviors*

“ High mortality rates after release from prison have been documented in several countries including the United States, the United Kingdom, Australia and France. The leading cause of death is accidental drug overdose (i.e. accidental poisonings). In Washington state, the death rate after release from prison was 777 per 100,000 person-years, which was 3.5x the rate of death in the general state’s population, adjusted for age, gender and race. In the first two weeks, the death rate was 2589 per 100,000, 12.7x that of the general population. The rates of death within the first few weeks after release from prison are substantially higher than at later time periods.”

Risk factors for all-cause, overdose and early deaths after release from prison in Washington state. Ingrid A. Binswanger, et al., *Drug and Alcohol Dependence*

Criminalization hinders HIV prevention among people who inject drugs

“ In conclusion, we found that the available evidence consistently suggests that criminalisation of drug use has negative effects on HIV prevention and treatment among PWID [people who inject drugs]. This evidence base provides clear support for moving away from the use of criminalisation as a strategy to try to limit the harms of drug use.”

HIV and the Criminalization of Drug Use Among People who Inject Drugs: A Systematic Review. Kora DeBeck, PhD, et al., *Lancet HIV*